

been amended.” The basis for these amendments is found in the ‘231 patent specification at column 5, lines 15-30.

REMARKS

As noted above, independent claims 32, 41 and 60 have been amended. A New claim element “receiving interest” has been added to these claims. Additionally, dependent claims 35 and 83 have been amended to conform to the changes in the independent claims by changing “demand” to “transaction”.

Additionally, original claims 1-3 and 16-19 and New claims 20-31, 51-59, 69-82, 84, 85, 87 and 88 have been withdrawn in response to the Restriction in Office Action dated October 24, 2007. Applicants will pursue the withdrawn claims in other divisional applications.

Pursuant to 37 C.F.R. 1.178(b), Applicants state that they have no current knowledge of, and do not believe there are any prior or concurrent proceedings in which the ‘231 patent is involved, including interferences, reissues, reexaminations, or litigations.

Applicants respectfully request entry of the foregoing amendments and remarks into the file of the above-captioned reissue application. These claims do not recapture any subject matter that might have been surrendered during prosecution of the application issuing as the ‘231 patent.

It is submitted that some of the claims may be broader in some respects than claims in the ‘231 patent. This is proper because this reissue application was filed within two years of the grant on April 16, 2002 of the ‘231 patent. Applicants reserve their right to submit during the prosecution of this application and after April 16, 2004 further claims that are broader than the claims of the ‘231 patent. See MPEP section 1412.03.

The examiner should be aware that the following co-pending patent applications disclosed in an IDS are related and have similar claims and some of these applications have received office actions:

10/825,440 fld 4-14-04 (Current application)
09/677535 fld 10-2-00 (Office Action with rejection)
10/071,053 fld 2-8-02 (Office Action with rejection)
10/305,439 fld 11-26-02 (Office Action with rejection)
10/382,946 fld 3-06-03 (Office Action with rejection)
10/416,650 fld 4-11-03 (Office Action with rejection)
11/149,278 fld 6-10-05 (Div. of 09/677,535)

The examiner is directed to review these other co-pending applications as he deems appropriate.

Claims 32-50, 60-68, 83 and 86 were rejected under 35 USC 112, 1st paragraph, regarding the relationship of the intermediate bank to the method. Additionally, claims 32-50, 60-68, 83 and 86 were rejected under 35 USC 112, 2nd paragraph, as being indefinite regarding the intermediate bank and the role it plays and the limitation "preserving the interest-bearing status." These rejections are respectfully traversed and reconsideration thereof is requested in view of the amendments.

Referring first to the rejection of claims 32-50, 60-68, 83 and 86 under the 1st paragraph of section 112, the term "intermediate bank" has been deleted and the banking institution through which the funds are passed is now referred to as the "first banking institution," and the banking institution holding the single insured money market deposit account is referred to as the "second banking institution." This has been clarified in claim 32 by amending the claim preamble, by amending the "administering" claim element to read -- administering clients' deposits to and withdrawals from each of their transaction accounts through the first banking institution.-- The "depositing step" has also been amended, in pertinent part, as follows: "depositing funds to or withdrawing funds from a single insured money market deposit account at a second banking institution based on the net transaction, with the withdrawing funds comprising withdrawing funds from the single insured money market deposit account at the second banking institution more than six (6) times during a month through the first banking institution."

Claim 32 has also been amended to change "demand account" to transaction account," to conform to independent claims 41 and 60.

Note that in one embodiment described in the '231 specification, it is stated that the incoming funds may come from accounts in entities such as broker dealers (col. 2, lines 36-37 and 45-48, and col. 3, lines 15-16), e.g., the transaction account, and are described as being deposited with a bank [e.g., the first banking institution]. See column 3, lines 13-20 of the '231 specification. The net of fund deposits and withdrawals to this bank are then transferred to the insured money market deposit account held in the second banking institution 145. See column 4, lines 55-67. Accordingly, this rejection should be reconsidered and withdrawn.

Referring to the rejection for indefiniteness regarding the intermediate bank (paragraph 8 of the Office Action), the independent claims have been amended in the “administering” step and the “depositing” step to clarify that the funds go to the single insured money market deposit account through the first banking institution. In view of this clarification, this rejection should be withdrawn.

Referring to the rejection for indefiniteness regarding the “preserving the interest-bearing status” limitation (paragraph 9 of the Office Action), applicants do not concede the appropriateness of this rejection, but for purposes of advancing the prosecution, have amended the language of claim 32 to “depositing funds to or withdrawing funds from a single insured money market deposit account at a second banking institution based on the net transaction, with the withdrawing funds comprising withdrawing funds from the single insured money market deposit account at the second banking institution more than six (6) times during a month through the first banking institution,” to thereby place the focus of the claim element on these steps. A comparable change has been made to claim 60. Claim 41 has been amended to recite “calculating an asset adjustment to said insured money market deposit account to determine an amount of funds that should be transferred from or to said insured money market deposit account in the second banking through the first banking institution; sending information to implement a withdrawal of funds from the insured money market deposit account more than six (6) times during a month based on the asset adjustments.” Accordingly, this rejection for indefiniteness is obviated and should be withdrawn.

Applicants request prompt consideration and early allowance if this reissue.

Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No. 19-0741 for any such fees; and applicant(s) hereby petition for any needed extension of time.

Respectfully submitted,

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